

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER LOWER
MANHATTAN DISASTER SITE LITIGATION

21 MC 102 (AKH)
ECF CASE

THIS DOCUMENT APPLIES TO ALL CASES IN THE
WORLD TRADE CENTER LOWER MANHATTAN
DISASTER SITE LITIGATION IN WHICH FGP 90 WEST
STREET, INC. IS A DEFENDANT.

John Vukelj hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am admitted to practice before this court and am a partner of the law firm DLA Piper LLP (US), attorneys for defendant FGP 90 West Street, Inc. (the “FGP 90 West”). I submit this declaration in support of FGP 90 West’s Motion to Compel Safeway Environmental Corp. (“Safeway”) and/or Donald Adler to appear for a deposition.

2. Attached hereto as **Exhibit A** is a true and correct copy of an April 22, 2013, e-mail from the jointly-retained deposition support vendor, U.S. Legal Support.

3. Attached hereto as **Exhibit B** is a true and correct copy of the subpoena ad testificandum served by FGP 90 West on Safeway on May 1, 2013 (the “90 West Subpoena”).

4. Attached hereto as **Exhibit C** is a true and correct copy of a May 3, 2013, e-mail discussion between counsel for FGP 90 West and counsel for Safeway.

5. Attached hereto as **Exhibit D** is a true and correct copy of an e-mail thread among counsel for Safeway, counsel for FGP 90 West, and counsel for plaintiffs, ranging from May 8 through September 27, 2013.

6. Attached hereto as **Exhibit E** is a true and correct copy of an October 1, 2013, e-mail from counsel for Safeway.

7. Attached hereto as **Exhibit F** is a true and correct copy of an excerpt from the deposition transcript of Donald Adler, who testified on behalf of Safeway on October 3, 2013.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: November 1, 2013
New York, New York

/s/ John Vukelj
John Vukelj